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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/061,675 | 02/01/2002 | James G. Norman JR. | 66475/31300 | 1732 |

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EXAMINER

LE, LINH GIANG

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3626

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/061,675 | Applicant(s) NORMAN, JAMES G. | |
| | Examiner Linh-Giang Le | Art Unit 3626 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. The communication is in response to the application filed 01 February 2002.

Claims 1-30 are pending. Acknowledgement is made that the application is a continuation of U.S. Application 09/425,779 filed 22 October 1999.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-30 rejected under 35 U.S.C. 103(a) as being unpatentable over Lapsker (4,971,362) in view of Illiff (5,935,060).

4. As per claim 1, Lapsker teaches a method of using a prescription pad to facilitate providing health care information to a patient, the prescription pad having a plurality of prescription sheets (Lapsker; Abstract), the method comprising:

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Performing a diagnostic procedure on a patient to identify an ailment of the patient (Lapsker; Col. 1, lines 12-20);

Giving the one prescription sheet to the patient (Lapsker; Col. 1, lines 12-20).

Lapsker does not expressly teach placing on at least one of the prescription sheets of the prescription pad an address for an Internet web site, information about the ailment being accessible via the Internet web site. However this is well known in the art as evidenced by Iliff. In particular Iliff does teach using the Internet as a connection for a diagnostic system (Iliff; Col. 4, line 3). It would have been obvious to add the Internet feature of Iliff to the Lapsker method with the motivation of personalizing the prescription form for use by a physician (Lapsker; Col. 4, lines 30-34);

5. As per claim 2, Lapsker teaches wherein the step of placing the address for the Internet web site on at least one of the prescription sheets precedes the step of performing the diagnostic procedure on the patient (Lapsker, lines 38-44).

6. As per claim 3, Lapsker teaches wherein the prescription pad is preprinted with a listing of a plurality of ailments (Lapsker; Col. 5, lines 8-11).

Lapsker does not expressly teach wherein the method further comprises instructing the patient to initiate a search via the Internet web site about one of the plurality of listed ailments. However, this is well known in the art as evidenced by Iliff. In particular Iliff does teach providing a database of diseases, symptoms, treatments, and medications for medical diagnosis and advice (Iliff; Col. 3, lines 58-61). It would

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have been obvious to add this feature to the Lapsker method with the motivation of providing patient medical advice and diagnosis that is quick, efficient and accurate (Iliff; col. 1, lines 54-59).

7. As per claim 4, Lapsker teaches wherein the prescription pad is preprinted with a listing of names of a plurality of ailments (Lapsker; Col. 5, lines 8-11.

Lapsker does not express teach wherein the Internet website is adapted to retrieve information about any one of the plurality of ailments upon initiation of a signal associated with said any one of the plurality of ailments, and wherein the method further comprises instructing the patient to perform an action which initiates via the web site a signal associated with one of the plurality of listed ailments in a manner to retrieve information about said one of the plurality of listed ailments. However, this is well known in the art as evidenced by Iliff. The reasons for rejection from claim 3 are incorporated herein.

8. As per claim 5, Lapsker does not expressly teach wherein the step of instructing the patient to perform an action comprises instructing the patient to input into a computer communicating with the web site the name of said one of the plurality of listed ailments. However, this is well known in the art as evidenced by Iliff and the reasons for rejection from claim 3 are incorporated herein.

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9. As per claim 6, Lapsker does not expressly teach wherein the step of instructing the patient to perform an action comprises instructing the patient to input into a computer communicating with the web site an ICD or CPT code associated with said one of the plurality of listed ailments. However, this is well known in the art as evidenced by Iliff. In particular, Iliff teaches including the ICD 9 code for a disease (Iliff; Col. 15, lines 26-28). The motivation to add this feature to the Lapsker method is incorporated from the rejection of claim 3.

10. As per claim 7, Lapsker does not expressly further comprising instructing the patient to input into a computer communicating with the web site an ICD or CPT code associated with the ailment of which the patient was diagnosed as having, wherein the Internet web site and computer are configured in such a manner that the input of the ICD or CPT code results in retrieval via the Internet web site of information about the ailment. This repeats the limitations recited in claim 6 and the reasons for rejection are incorporated herein.

11. Claims 8 and 9 repeat the limitations recited in claim 1 and 6 and the reasons for rejection are incorporated herein.

12. Claim 10 repeats the limitations of claim 2 and the reasons for rejection are incorporated herein.

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13. As per claim 11, Lapsker teaches furnishing prescription pads to health care providers, each of the prescription pads including a plurality of prescription sheets, the prescription sheets having placed thereon an address for the Internet web site (Lapsker; Summary of the Invention).

Lapsker does not expressly teach storing descriptive information about a plurality of ailments in a computer database nor does it teach providing a retrieval system accessible by an Internet user using the Internet, the retrieval system being adapted to retrieve the stored descriptive information for an ailment of the plurality of ailments upon the user initiating a signal corresponding to the ailment. However this is well known in the art as evidenced by Iliff. In particular Iliff does teach providing a database of diseases, symptoms, treatments, and medications for medical diagnosis and advice (Iliff; Col. 3, lines 58-61). Iliff also teaches using the Internet as a connection for a diagnostic system (Iliff; Col. 4, line 3). It would have been obvious to add these features to the Lapsker method with the motivation of providing patient medical advice and diagnosis that is quick, efficient and accurate (Iliff; col. 1, lines 54-59).

14. As per claim 12, Lapsker does not expressly teach wherein the descriptive information for each ailment comprises one or more of the following: physiological aspects of the ailment, pathological aspects of the ailment, information as to whether the ailment is treatable, information about expected clinical course, and potential complications. However these features are taught by Iliff and the motivation to combine these features to the Lapsker method are incorporated from the rejection of claim 11.

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15. Claim 13 repeats the limitations recited in claim 1 and the reasons for rejection are incorporated herein.

16. Claims 14, 19, 20, 21, 22, 23, 26, and 28 repeat limitations recited in claims 1, 6, and 7 and the reasons for rejection are incorporated herein.

17. Claims 15, 17, 24, 25, 27, and 29 repeat limitations recited in claims 6, 7, and 11 and the reasons for rejection are incorporated herein.

18. Claims 16, 18, and 30 repeat limitations recited in claim 12 and the reasons for rejection are incorporated herein.

Conclusion

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh-Giang Michelle Le whose telephone number is 571-272-8207. The examiner can normally be reached on 8 AM - 5PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LLe



C. LUKE GILLIGAN
PATENT EXAMINER